REMARKS

Claims 9- 34 are pending in the application.

Claims 9, 10, 18, 19 and 27, have been amended to recite that the chemotherapeutic agent is a topoisomerase I inhibitor or pemetrexed. Support for pemetrexed is found in the specification at page 5, line 16. Conforming amendments have been made to the chemotherapeutic agent in claims 15, 16, 24, 25, 32 and 33. A minor change of an editorial nature has been made to claim 18. All claims amendments are made without prejudice.

The Detailed Action alleges that the application contains claims which are directed to two groups of inventions which allegedly lack the same or corresponding special technical feature :

Group I: Claims 9-17, directed to a method killing or treating cancer cells having a p53 mutation, by administration of a therapeutically effective amount of a specific binding member and a chemotherapeutic agent; and

Group II: Claims 18-34, directed to a pharmaceutical composition comprising specific binding member and a chemotherapeutic agent, and a kit.

The Detailed Action alleges that Groups I and II do not related to a single general inventive concept under PCT Article 13.1 because claim 9 lacks novelty over Allen *et al.*

Applicants elect the claims of Group II, comprising claims 18-34. The claims encompassing the elected invention are claims 18-34. The election is respectfully made with traverse.

Claim 9 does not lack novelty over Allen *et al.*, and therefore does not deprive unity of invention of the claims of Groups I and II. Specifically, Allen *et al.* describe the effect of 5-FU or TDX together with the CH-11 antibody on Fas-mediated cell death in one specific cell type, the MCF-7 breast cancer cell line. The MCF-7 cell line is a p53++ cell line. Allen *et al.* explicitly teaches that the effect of 5-FU and TDX in the MCF-7 cells is p53 dependent. In distinct contrast, the present invention and the claims defining the invention explicitly relate to the treatment of p53 mutant cancer cells.

Accordingly, the Examiner is incorrect in the interpretation of the teaching of Allen *et al.*, which does not teach the technical feature recited in claim 9, *i.e.*, a method of killing cancer cells having a p53 mutation using the recited specific binding member and chemotherapeutic agent.

Reconsideration and withdrawal of the lack of unity objection as between Groups I and II is respectfully requested.

The Detailed action further requires election of a species of a cancer from the cancers listed in claims 11, 20 and 28, and the election of a chemotherapeutic agent from the agents listed in claims 15, 16, 24, 25, 32 and 33.

In response, applicants elect colorectal cancer as the species of cancer, and topoisomerase-I inhibitor as the species of chemotherapeutic agent. The claims of Group II which read on the elected species are 18-34.

Respectfully submitted,

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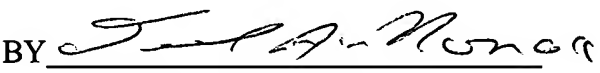
BY 

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